

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**JONATHAN GREEN
Plaintiff,**

1:09-11705-NMG

v.

**TIMOTHY McCARTHY, the CITY OF
BOSTON, the COMMISSIONER OF
THE BOSTON POLICE DEPARTMENT
EDWARD DAVIS,
Defendants.**

**DEFENDANTS CITY OF BOSTON AND TIMOTHY McCARTHY'S MOTION TO
STRIKE CERTAIN PORTIONS OF JONATHAN GREEN'S AFFIDAVIT, ANSWERS
TO INTERROGATORIES, RULE 56.1 STATEMENT OF FACTS AND PORTIONS OF
PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS OPPOSITION TO
DEFENDANTS' SUMMARY JUDGMENT MOTION**

Now come the Defendants, City of Boston and Timothy McCarthy and hereby move to strike certain statements contained within Plaintiff, Jonathan Green's affidavit and submitted interrogatories and certain arguments made in Plaintiff's memorandum of law in opposition to Defendants' motions for summary judgment. As grounds, the Defendants state that those portions of Plaintiff's affidavit and interrogatories contain inadmissible hearsay and as such should be stricken. The Defendants further state that arguments made within Plaintiff's memorandum contradict Plaintiff's sworn deposition and affidavit testimony. Further grounds in support of this motion are set forth in Defendants' memorandum.

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Respectfully submitted,
DEFENDANTS, CITY OF BOSTON AND
TIMOTHY McCARTHY
By their attorneys:

William F. Sinnott
Corporation Counsel

/s/ Lisa Skehill Maki
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that, pursuant to Local Rule 7.1 on June 18, 2012, counsel for the Defendants attempted to, but was unable to confer with Plaintiff's counsel in a good faith effort to resolve or narrow the issues raised herein, based on counsel's pending motion to withdraw as counsel.

/s/ Lisa Skehill Maki
Lisa Skehill Maki

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Lisa Skehill Maki
Lisa Skehill Maki